

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

HILARIO ORTIZ CALDERON,

Defendant.

CASE NO. CR15-5133BHS

ORDER

This matter comes before the Court on the Defendant's Unopposed Motion to Continue Trial Date and Pretrial Motions Deadline. The Court, having considered the unopposed motion and the Defendant's speedy trial waiver, makes the following findings of fact and conclusions of law:

1. Defense counsel was substituted as counsel for Defendant on June 30, 2015, and therefore needs additional time to review and analyze discovery, to retain and consult with expert witnesses, to confer with the Defendant regarding potential defenses and to prepare for trial.

2. The defense needs additional time to explore all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(7)(B)(ii).

1 3. Taking into account the exercise of due diligence, a continuance is necessary to allow
2 the defendant the reasonable time for effective preparation his defense, to explore resolution of
3 this case before trial and to ensure continuity of defense counsel. 18 U.S.C. § 3161(h)(7)(B)(iv).

4 4. Proceeding to trial absent adequate time for the defense to prepare would result in a
5 miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(i).

6 5. The ends of justice served by granting this continuance outweigh the best interests of
7 the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A) and (B).

8 6. Defendant waived speedy trial through November 30, 2015.

9 NOW, THEREFORE, IT IS HEREBY ORDERED

10 That the trial date is continued from August 25, 2015 to October 27, 2015 at 9:00 a.m.;
11 Pretrial Conference is set for October 19, 2015, at 9:30 a.m.; pretrial motions are due by
12 September 24, 2015. The resulting period of delay from August 25, 2015, to October 27, 2015,
is hereby excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(7)(A) and (B)

13 Dated this 16th day of July, 2015.

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16 BENJAMIN H. SETTLE
17 United States District Judge
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